



CITY OF ATLANTA

Kasim Reed
Mayor

226 Peachtree Street, SW
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
George N. Turner
Chief of Police

December 3, 2010

Ms. Joy Morrissey, Board Chair
Atlanta Citizen Review Board
City Hall Tower, Suite 9100
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: Complaint #10-20/Anthony "Tony" Smith

Dear Ms. Morrissey:

I am in receipt of the Atlanta Citizen Review Board's letter dated August 16, 2010, recommending that the allegation Investigator Charles Brown and Officer Larry Bennett used excessive force during the arrest of Anthony "Tony" Smith on October 7, 2009 at Grady High School be Not Sustained. Additionally, the Board was concerned with some policy violations that may have contributed to the complaint.

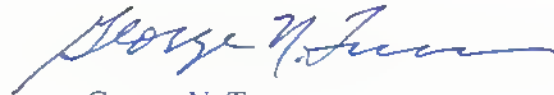
The Atlanta Police Department's Office of Professional Standards has also concluded in its investigation of the allegation that the use of excessive force against Investigator Brown and Officer Bennett be Not Sustained. The Department also investigated any violation of policy in regards to the length of the detention and the handcuffing to a file cabinet and it was determined that Investigator Brown and Officer Bennett violated Conformance to Directives (Work Rule 4.2.33) by allowing the juvenile to remain in their custody for an unreasonable time (between five to seven hours) before transporting to the juvenile detention facility. The violation of APD.SOP.3030, §4.4.3, was Sustained against both. Additionally, a second charge of Conformance to Directives (Work Rule 4.2.33) was Sustained against Officer Bennett for the handcuffing of Tony Smith to a file cabinet; in violation of APD.SOP.3030, §4.14.1 (4), which states "detainees may be secured to an immovable object that is designed for such use."

Having assessed the findings of both the Atlanta Citizen Review Board and the Department's investigative summaries, I concur with both the findings of the Office of Professional Standards as well as the Atlanta Citizen Review Board on the allegation of excessive force.

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Major E. B. Dancy, Commander of the Office of Professional Standards, can be contacted at (404) 658-7028, if you have any further concerns regarding this complaint.

Sincerely,

A handwritten signature in blue ink, appearing to read "George N. Turner".

George N. Turner
Chief of Police

GNT/sas

cc: Ms. Cristina Beamud, Executive Director/ACRB
Assistant Chief P.N. Andresen
Major E. B. Dancy
File